

**NLWJC - KAGAN**

**EMAILS CREATED**

**ARMS - BOX 001 - FOLDER 004**

**[1/27/1997 - 2/4/1997]**

# Withdrawal/Redaction Sheet

## Clinton Library

| DOCUMENT NO.<br>AND TYPE  | SUBJECT/TITLE  | DATE       | RESTRICTION      |
|---------------------------|--|------------|------------------|
| 001a. email               | Elena Kagan to Diana Fortuna. Subject: here it is [partial] (1 page) | 01/31/1997 | P5               |
| 001b. email<br>attachment | Campaign Finance Reform [partial] (1 page)                           | 01/31/1997 | P5               |
| 002. email                | Elena Kagan to Ron Klain re Friday Night (1 page)                    | 02/04/1997 | Personal Misfile |

### COLLECTION:

Clinton Presidential Records  
Automated Records Management System (Email)  
OPD ([From Elena Kagan])  
OA/Box Number: 250000

### FOLDER TITLE:

[01/27/1997-02/04/1997]

2009-1006-F

kc207

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]  
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]  
P3 Release would violate a Federal statute [(a)(3) of the PRA]  
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]  
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]  
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

#### Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]  
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]  
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]  
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]  
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]  
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]  
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]  
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:27-JAN-1997 16:36:54.00

SUBJECT: Re: Meeting to discuss the 2FL/WW

TO: Ashley L. Raines ( CN=Ashley L. Raines/OU=OA/O=EOP @ EOP [ OA ] )

READ:UNKNOWN

TEXT:

yes, that's fine

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:27-JAN-1997 15:25:05.00

SUBJECT: Re: Building the walls

TO: Ashley L. Raines ( CN=Ashley L. Raines/OU=OA/O=EOP @ EOP [ OA ] )

READ:UNKNOWN

TEXT:

sorry -- I meant Wednesday looks very clear.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Elena Kagan@EOP@LNGTWY@EOPMRX

CREATION DATE/TIME:27-JAN-1997 15:38:00.00

SUBJECT: Read Receipt: NGA Resolution

TO: WARNATH\_S ( WARNATH\_S@A1@CD ) (OPD)

READ:27-JAN-1997 15:43:17.98

TEXT:

Message Creation Date was at 27-JAN-1997 15:37:00

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The Constitution and federal statutory law permit a greater degree of religious expression in the federal workplace than many Americans may now understand. The government may not discriminate in the workplace against private religious expression during the workday. Subject only to the special restraints imposed by the Establishment Clause, religious expression, including proselytizing, is protected by the First Amendment in the federal workplace in the same way, and to the same extent, as other constitutionally valued speech. Like all private employee speech, it must be permitted except where it has an impact on the actual operation of government. At the same time, federal employers, supervisors and employees also may not use the workplace to coerce the consciences of other employees, or to convey official endorsement or disparagement of religion. Although application of the law might be complicated in some specific factual contexts and will require careful consideration in particular cases, certain principles are clear, and permit the promulgation of guidelines to apply to religious expression in the federal workplace. To understand why this is so requires a full understanding of general principles of anti-discrimination law as it applies to the federal workplace.

Federal law prohibits employment discrimination on the basis of race, sex, national origin and religion. That statute, Title VII of the Civil Rights Act of 1964, affects religious (and non-religious) employees' rights in the government workplace in two ways. First, it bans discrimination on the basis of religion in employment. Second, it requires employers to accommodate employee religious practices. These two obligations—which are sometimes not easy to reconcile—are binding on the federal government acting as an employer. Among other topics, these guidelines address the intersection of these two obligations.

The federal government as an employer may not promote or refuse to promote, hire or refuse to hire, or otherwise favor or disfavor an employee or potential employee because of his or her religion. Thus, a federal agency may not refuse to hire Buddhists, or deliberately deny promotions to Christians, or impose stricter discipline on Jews than others. Likewise, federal agencies may not prefer Buddhists in hiring, give advantages to Christians in promotions, or impose lesser discipline on Jews. Atheists, too, may enjoy no advantage nor suffer any disadvantage because of their beliefs with respect to employment opportunities.

Title VII, however, is not limited to banning discrimination against employees because of their religion or lack of it. It also ensures the right of employees to be reasonably accommodated in their religious practices—which will include the right to speak about religion—except where accommodation would cause the employer more than undue minimal hardship. The most common example of the sort of accommodation required is the adjustment of work schedules to accommodate employee religious practices such as Sabbath or religious holiday observances.<sup>(1)</sup> These same provisions cover a wide range of religious practices, including dress. They also protect the employee's right to refuse to assist in carrying out programs irreconcilable with the individual's faith, unless the government would suffer more than minimal hardship in accommodating the employee.

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1. Federal law permits federal employees to bank time to cover time lost for religious observance, 5 U.S.C. 5550a.

Many religions impose upon adherents the duty to spread the faith at every opportunity, a belief which encompasses the workplace. This duty is a protected religious activity which, when it takes the form of speech, cannot be suppressed except where the government can prove that the speech actually interferes with the efficient operation of the agency, intrudes upon the legitimate rights of other employees, or creates the appearance of an official endorsement of religion.<sup>(1)</sup> Because an employer has a legal duty to prevent the creation of a religiously hostile work environment—just as it may not permit the existence of a sexually hostile environment—employees may not proselytize in a way that creates such an environment (for example, where a proselytizer refuses a request to stop when requested to do so), and the employer must insist that those creating that hostile environment desist. The duty to comply with the law is a sufficient hardship to excuse a refusal to accommodate excessive and harassing proselytization. But not all proselytizing is harassing or creates a hostile environment.

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2. "A claim of undue hardship cannot be supported by merely conceivable or hypothetical hardships; instead, it must be supported by proof of 'actual imposition on coworkers or disruption of the work routine'." *EEOC v. Townley Mfg. & Eng'g Co.*, 859 F.2d 610, 615 (9th Cir. 1988).



RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 27-JAN-1997 15:42:21.00

SUBJECT: mammograms

TO: Christopher C. Jennings ( CN=Christopher C. Jennings/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ: UNKNOWN

TEXT:

So what ended up happening when you connected with Kitty and Ann?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 27-JAN-1997 19:45:41.00

SUBJECT: Re: NGA-- disc is on your desk. It is named NGA.LAS. Thanks.

TO: Leanne A. Shimabukuro ( CN=Leanne A. Shimabukuro/OU=OPD/O=EOP @ EOP [ OPD ] )

READ: UNKNOWN

TEXT:

many thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP { OPD } )

CREATION DATE/TIME:27-JAN-1997 15:24:47.00

SUBJECT: Re: Building the walls

TO: Ashley L. Raines ( CN=Ashley L. Raines/OU=OA/O=EOP @ EOP [ OA ] )

READ:UNKNOWN

TEXT:

You bet. Let me know what's good for you. I THINK I'm clear between 11 and 4 tomorrow, and Monday looks very clear.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:27-JAN-1997 15:37:06.00

SUBJECT: Re: Environmental Issues Planning Meeting

TO: Cathy R. Mays ( CN=Cathy R. Mays/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

After the SOTU, I think.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 27-JAN-1997 17:21:33.00

SUBJECT: Re: Wed. meeting

TO: Diana Fortuna ( CN=Diana Fortuna/OU=OPD/O=EOP @ EOP [ OPD ] )

READ: UNKNOWN

TEXT:

4:00

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 27-JAN-1997 15:44:18.00

SUBJECT:

TO: James A. Dorskind ( CN=James A. Dorskind/OU=WHO/O=EOP @ EOP [ WHO ] )

READ: UNKNOWN

TEXT:

Mike Cohen will call your office to work out a response to the Winsten letter, as the President requested. Thanks.

http://172.28.127.30:8082/ARMS/servlet/getEmailArchive?URL\_PATH=/nlcp-2/Arms404/opd/O... 4/14/2009

January 27, 1996

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED

SUBJECT: WELFARE LAW IMPLEMENTATION ISSUE

An important issue involving implementation of the welfare law will come up at the NGA Conference next week. The issue concerns the conditions (or lack thereof) that attach to the expenditure of state monies counting toward the welfare law's maintenance-of-effort standard. More specifically, the question is: which, if any of the welfare law's requirements and prohibitions (involving work, child support, and the like) must a state comply with in order to get maintenance-of-effort credit for an expenditure?

Both the governors and the advocacy groups, in an unusual alliance, have urged the Administration to adopt an interpretation of the law that would place very few conditions on state expenditures counting toward the maintenance-of-effort requirement. The governors favor this interpretation because it would provide them with maximum spending flexibility -- and also with the ability to avoid financial penalties and collect additional monies. The advocacy groups favor this position because it would weaken provisions in the law that they believe too harsh -- particularly, the work requirements.

The drawbacks of adopting this approach, from the Administration's perspective, are twofold. First, this approach could transfer from the federal government to the states an enormous amount of money in child support collections -- perhaps in excess of \$1 billion annually. Second and even more important, the approach could undermine substantially the law's work and participation requirements and the message of responsibility embodied in them.

The two options presented in this memorandum attempt, in varying degrees, to mitigate these concerns while still providing the states with needed flexibility. As detailed later, HHS favors the first option, which is the one closer to the governors' and advocacy groups' position. DPC favors the second option, which would apply work and participation requirements (but essentially no others) to the states when they use money that counts as maintenance of effort.

Background and analysis

As you know, the maintenance-of-effort provision of the welfare law requires states to spend each year a set percentage of their FY 1994 welfare expenditures. Specifically, each state that meets the statute's work participation rates must spend 75 percent of FY 1994 expenditures; any state that fails to meet such rates must spend 80 percent of that sum. If a state fails to spend



this amount of money, its next year's block grant is reduced accordingly.

The question here concerns the restrictions applicable to expenditure of these "maintenance-of-effort funds." It is important to understand that no federal restrictions apply to state monies exceeding the maintenance-of-effort threshold. The question addressed in this memo arises only when the state seeks "credit" under the welfare law for its expenditures.

It is also important to understand that certain requirements of the welfare law clearly do not apply to any state funds, including those counting toward maintenance-of-effort. In particular, the provisions of the law limiting benefits to aliens and imposing a five-year time limit on benefits do not apply to maintenance-of-effort funds. A state can use its monies to assist aliens or long-term welfare beneficiaries and still receive maintenance-of-effort credit.

The law is far less clear as to whether other requirements apply to the expenditure of maintenance-of-effort funds, leaving HHS with a substantial amount of discretion. There is no language in the statute specifically addressing this question, nor is there any legislative history. A recent letter by Chairmen Archer and Shaw indicates that Congress meant to provide flexibility to the states, but does not say exactly how far that flexibility extends -- and in particular, does not say whether states must satisfy work and participation requirements.

The governors have argued vehemently that applying the mass of federal restrictions to state maintenance-of-efforts funds would impede state innovation. If the Administration went this far -- effectively imposing most federal requirements on the expenditure of these funds -- the governors would resist mightily. And given the strange confluence of interests noted above, the advocacy groups and many media outlets would join them.

But an approach that fails to apply any federal restrictions to the states -- essentially allowing them to set up a wholly independent program with maintenance-of-effort dollars -- poses two significant problems. First, states could place families most likely to make child support payments in the state-only program and thereby avoid sharing child support collections with the federal government. OMB estimates that the amount of money at stake could exceed \$1 billion per year. Initial inquiries have suggested, however, that the states might agree to (and if not, Congress would impose) an arrangement preventing such diversion of child support funds.

Second and more critically, adopting a complete "hands-off" approach would weaken substantially the work provisions of the welfare law. As you know, the welfare law requires the states to show, on pain of a financial penalty, that a certain percentage of families receiving assistance under the TANF program are engaged in work. If the Administration adopts the position of the Governors, states could avoid the full strength of this requirement (which is not very strong to begin with) by transferring their hardest-to-employ welfare recipients from the TANF program (where they would count in calculating the percentage) to a separate state program funded by maintenance-of-effort dollars (where they would not). Indeed, such a transfer might count as the kind of reduction in caseload sufficient under the law to reduce the minimum participation rate. Hence by the simple device of shifting beneficiaries from one program into another, a state simultaneously could make it easier to meet the preexisting participation rate and

lower the participation rate applicable in the future.

### Options

The two options presented here are attempts to provide states with needed flexibility while keeping the pressure on states to move beneficiaries from welfare to employment. HHS favors the first approach, believing that the second would stand in the way of a constructive federal-state partnership. The DPC favors the second approach, believing that the first would fail to protect sufficiently the law's work and participation requirements.

1. The first option is to give states total flexibility over maintenance-of-effort funds, but to discourage them from using those funds so as to evade work and participation requirements. More specifically, under this approach, HHS would (1) collect the data necessary to determine whether states are using their flexibility for this purpose; (2) jawbone states that are doing so; and (3) refuse to give such states the high-performance bonuses that the statute makes available.

HHS believes that such an approach stands a reasonable chance of preventing states from using their control over maintenance-of-effort funds to evade work and participation requirements. At the same time, HHS believes that this approach will help to build the kind of constructive relationship with the states that will benefit welfare reform in the future.

The DPC believes that this approach is insufficient because it does not make work and participation requirements applicable to maintenance-of-effort funds. As noted earlier, under the approach, states could avoid the penalties attached to the participation requirements by transferring beneficiaries into a program funded with maintenance-of-effort dollars. No matter how much jawboning HHS does, states can be expected to avail themselves of this financially beneficial option. In essence, then, the approach would cut substantially the participation rates listed in the statute: in 1997, for example, a state would need to place in work activities not 25 percent of its total caseload, but only 25 percent of the caseload remaining after the state has moved the hardest cases to a separate maintenance-of-effort program. And because the approach would make the statute's work requirements so much easier for states to meet, governors will have far less incentive to work press for passage of our welfare-to-work program.

2. The second option is to impose the law's work and participation requirements -- but only those requirements -- on the states' use of maintenance-of-effort dollars. This option would prevent states from gaming the system in the way described above. Beneficiaries paid with maintenance-of-effort funds, like beneficiaries paid with federal funds, would be counted in calculating whether a state has met its participation requirement. In all other, non-work-related respects, the states would have complete control over their maintenance-of-effort dollars. The one thing a state could not use these funds for is to escape the rigor of the statutory provisions pushing toward employment.

As noted earlier, HHS argues that selecting this option would provoke a battle with the states and undermine the kind of federal-state cooperation necessary for long-term success in reforming the welfare system. But it seems unlikely that the states would oppose with any great

force an Administration policy that is limited to maintaining the force of the law's work requirements. If the states do object, the Administration should be able to make its case in a way that will prove persuasive. The DPC therefore recommends imposing the law's work and participation requirements and the penalties that attach to them -- but only those requirements and penalties -- to the states' use of maintenance-of-effort funds.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:28-JAN-1997 15:20:17.00

SUBJECT: Re: Martha Foley

TO: Lyn A. Hogan ( CN=Lyn A. Hogan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

That's great.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:28-JAN-1997 07:27:56.00

SUBJECT: Re: State of the Union

TO: Diane C. Regas ( CN=Diane C. Regas/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

How about later on in the day -- say, 5:30?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:28-JAN-1997 07:31:01.00

SUBJECT: nga memo

TO: Diana Fortuna ( CN=Diana Fortuna/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

could you go through the welfare implementation proposals and one by one give the response that you would want the President to see -- e.g., "concur" or "we disagree because..." or "we have not yet reached a decision on this. We are concerned that ..." or whatever seems appropriate. Many thanks. And as soon as possible.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Elena Kagan@EOP@LNGTWY@EOPMRX

CREATION DATE/TIME:28-JAN-1997 12:32:00.00

SUBJECT: Read Receipt: nga responses

TO: WARNATH\_S

( WARNATH\_S@A1@CD ) (OPD)

READ:28-JAN-1997 16:55:34.68

TEXT:

Message Creation Date was at 28-JAN-1997 12:25:00

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 28-JAN-1997 17:23:51.00

SUBJECT: council meeting

TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )

READ: UNKNOWN

TEXT:

The AG is coming. After talking to me a bit, her scheduler announced that it sounded as if the meeting "wouldn't be a waste of her time." (She then made some reference to prior DPC meetings.) Pressure's on.



http://172.28.127.30:8082/ARMS/servlet/getEmailArchive?URL\_PATH=/nlcp-2/Arms404/opd/O... 4/14/2009

## **EDC-6: Indian Gaming**

Last year, in Seminole Tribe of Florida v. Florida, the Supreme Court ruled unconstitutional a provision in the Indian Gaming Regulatory Act (IGRA) that permitted tribes to sue states in federal court for negotiating in bad faith under IGRA. The decision raises questions as to what remedies exist for tribes if a state refuses to negotiate in good faith.

In May 1996, the Interior Department issued an Advance Notice of Proposed Rulemaking (ANPR) to gather comments from interested parties on how to enforce the obligation of states to bargain with tribes in good faith following the Seminole decision. Part of the proposal would give the Interior Department authority to impose a remedy -- including permitting tribal gaming -- when a state is found to have negotiated with a tribe in bad faith. The ANPR closed in July 1996. The Interior Department, however, has not yet made a recommendation.

The NGA opposes any move by the Secretary of the Interior to permit gaming, even as a remedy for bad-faith bargaining, in the absence of a tribal-state compact. This matter is still under review in the Interior Department, and the Administration as yet has no position.

## **EDC-14: Affordable Housing**

30 percent rule. The NGA opposes the current requirement that 30 percent of income be paid as rent and opposes even more strongly increasing the 30 percent figure. The Administration supports the current 30% requirement, but does not support raising that requirement.

Section 8 Assistance. The NGA supports preservation of the existing Section 8 system. The Administration disagrees, on the ground that failing to reform the current system is not financially feasible. The Administration has called for a “mark-to-market” system that should make the Section 8 program more efficient.

The Administration generally concurs with the NGA’s other proposals on affordable housing.

## **HR2: Immigration and Refugee Policy**

Denial of benefits to legal immigrants. See separate sheet on Welfare Implementation proposals.

Cuban-Haitian entrants. The Administration strongly supports the NGA's recommendation that Cuban-Haitian entrants be treated as "refugees" as provided under the Fascell-Stone amendment. The Administration opposed the provision in the welfare bill that put an end to that parity.

Waiver of oath. The NGA calls on Congress to waive the oath for individuals who are incapable of communicating the desire to naturalize. The Administration has not yet taken a position on this issue.

Education of undocumented children. The NGA favors reimbursement by the federal government to the states for educational services provided to undocumented children. The Administration supports education for such children and opposes the proposal for reimbursement (the "Son-of-Gallegly amendment").

Alien registration. The NGA proposes annual registration of all legal immigrants in the United States. The Administration opposes this proposal.

Refugee services and resettlement. The Administration will review the questions of allowing each state to privatize refugee resettlement and of extending the period of eligibility for refugee services from eight to twelve months, as proposed by the NGA. These proposals should be considered within the context of the 1997 reauthorization of the Refugee Act, and the Administration welcomes the Governors' input in that endeavor.

The Administration generally concurs with all of the NGA's other positions on immigration and refugee policy.

## **HR22: Child Care**

Funding. The Administration agrees with the NGA that both discretionary and mandatory funds should be funded at full authorization levels and that funding for the Social Service Block Grant should be maintained.

Flexibility. The Administration recognizes that states want maximum flexibility in setting payment rates and defining administrative costs. The Administration is in the process of developing regulations on these and other issues and will take these recommendations into consideration.

Standards. The Administration opposes the NGA's proposal to amend current law requiring states to set standards for all federally funded child care providers in three key areas: minimum health and safety training; the prevention and control of infectious diseases (including immunizations); and building and premises safety. The Administration believes that current law strikes the right balance in allowing states to set the actual standards in these areas, while ensuring that some standards are required.

## **HR-36: Implementation of Welfare Reform**

Assistance to Legal Immigrants and Refugees. The NGA proposes that legal immigrants who cannot become citizens because of age or disability should not lose SSI or food stamps. The Administration has criticized the welfare law's denial of SSI, food stamps, and other benefits to legal immigrants generally. Our budget proposal, however, differs from the NGA's proposal in approach. On SSI, we would exempt all disabled individuals from the ban -- not only those whose disability has prevented naturalization. We would, however, retain the SSI ban on the aged. On food stamps, we would delay until later this year the benefit cuts affecting all legal immigrants -- not only the aged or disabled. We would not, however, offer any permanent exemptions from the food stamp cuts. Finally, next week the INS expects to issue a regulation and guidance that will allow certain legal immigrants with disabilities to waive citizenship tests.

The NGA's proposal that legal immigrants who have applied to become citizens keep benefits during that waiting period is impermissible under current law, but the Administration would be supportive of a legislative fix along these lines.

The NGA proposes that aged and disabled refugees not lose SSI and food stamps after five years of residence. Our budget proposal would lengthen the time period to seven years for SSI, but not food stamps.

Flexibility in TANF block grant. The Administration generally agrees with the NGA's desire to maintain funding and flexibility in the TANF block grant. The Administration, however, has the responsibility to interpret terms in the statute such as "eligible families" and "assistance" and will release guidance on this issue shortly. In addition, the Administration as yet has no position on the NGA's proposal that states be permitted to transfer more funds between TANF and Social Services Block Grant.

Restrictions on maintenance-of-effort funding. The Administration also generally agrees that the mass of federal restrictions should not apply to state maintenance-of-effort dollars. But the Administration is committed to ensuring that states not use their MOE programs as a way to evade the statute's work requirements. The Administration will issue administrative guidance and seek a legislative clarification to prevent such evasion, while otherwise supporting broad state discretion over maintenance-of-effort funds.

Cash assistance. The Administration has concerns about the NGA's position that only cash assistance should trigger the time limit and other federal requirements. Such a position could cause states to use vouchers and other devices to avoid these requirements. However, the Administration has not yet released guidance on this issue.

Waivers. The Administration concurs generally with the NGA's position that states should be able to operate under existing waivers. The Administration believes, however, that states should not use waivers to evade the fundamental requirements of the law for work and time-limited assistance. The Administration has told states that, although the law permits them

to continue their waivers, we will monitor their actions and work with Congress if we find waivers are being used to evade the purpose of the law.

Work requirements. The Administration does not support the NGA's proposal to count more activities toward the work requirements (additional weeks of job search and job readiness, education, drug and alcohol treatment). The Administration supports the law as written in this area.

Information System Requirements. The Administration does not support the NGA's proposal to reduce reporting requirements under the welfare law. The Administration has not yet reached a decision on whether to exclude reporting and other similar costs from the definition of administrative costs. The Administration also has not reached a position on the NGA's proposal that the Federal government provide funding and technical assistance to create an interstate tracking system for time limits, but probably will agree to support technical assistance to the states. The Administration does not support NGA's proposal for additional Federal funds for states to implement the law's information systems requirements; the Administration believes that the flexibility of the block grant should allow states to create necessary information systems.

Administrative costs. The Administration has not yet taken a position on the definition of administrative costs. HHS is currently working on a regulation that would define this term.

Good faith efforts. The Administration does not support the NGA's proposal that states making "good faith efforts" to comply with the law should not be subject to the law's penalties. HHS, however, will enforce penalties in a way that is sensitive to the challenges states are facing.

Contingency Fund. The Administration as yet has no position on the NGA's proposal to allow states to draw down more per month from the fund. The Administration opposes the NGA's proposal to relax the maintenance of effort requirement associated with the Fund. The Administration is sympathetic to the NGA's concern that certain states may get inappropriately low match rates under certain circumstances, but has not yet taken any action in this area.

Maintenance of Effort Requirement for SSI State Supplements. In the past, the Administration has opposed the NGA's proposal to repeal the maintenance of effort requirement for state supplements to the SSI program. Disability groups oppose this proposal.

## **HR37: Private Sector Health Care Reform**

The governors recognize the important progress toward national health care reform made by the Kassebaum-Kennedy law, including administrative simplification and encouragement of private long-term care insurance. The governors contend that in the absence of national health care reform, states should be allowed broad flexibility in developing reform policies. In particular, governors would like to have greater flexibility under ERISA to preserve the state's role in regulating health care insurance of all health plans, including plans that "self-insure" and multiple employer welfare arrangements. We are generally supportive of this approach, but have not proposed specific legislative initiatives.



#### **HR-38: HIV/AIDS**

The Administration generally concurs with the NGA's resolutions on HIV/AIDS.

**HR-39: Encouraging mentoring**

The Administration concurs with the NGA's proposal on encouraging mentoring.

## **EC-7: Long-Term Care**

Many of the governors' long-term care proposals are consistent with initiatives in the President's budget. For example, the governors ask for greater flexibility to enroll dual eligibles in managed care, and the President's plan would ease the waiver process for states to implement managed care. The governors ask that HMO payments be adjusted to encourage expansion of Medicare managed care, and the President's proposal would move toward a more uniform payment rate -- so that areas receiving excessive payments get less while areas receiving lower payments get more. Also, initiatives to improve access and affordability of private long-term care insurance are consistent with past actions by the Administration. For example, the governors' desire to improve consumer protections and improve the affordability of long-term care builds on the accomplishments set forth in the Kassebaum-Kennedy law. The Administration is generally supportive of such initiatives as long as they do not excessively increase the cost of insurance plans.

## **EC-8: Medicaid**

Not surprisingly, the governors seek to gain greater flexibility in administering the Medicaid program. In particular, the governors: (1) oppose a cap on federal Medicaid payments, (2) desire continued distribution of funding for disproportionate share payments through states, rather than federal formulas, (3) endorse greater state flexibility in moving to managed care and in using home and community-based waivers, (4) favor a repeal of the Boren amendment, (5) support federal, rather than state, responsibility for the costs of dual eligibles, and (6) encourage coordination with states to reach children eligible for Medicaid, who are not yet enrolled.

Although the President and the governors agree on a number of proposals (e.g., greater flexibility to move to managed care, a repeal of the Boren amendment, and a coordinated effort with states to enroll eligible children), there are two issues on which there is disagreement.

First, the President's budget will include a cap on federal Medicaid payments to protect excess growth. The governors will likely assert that there is no need to cap future federal Medicaid payments given recent declines in program growth. Currently, the NGA is considering two options on such expenditure caps: (1) to oppose any cap on Medicaid spending or (2) to oppose only those caps that do not provide for adequate state flexibility. We believe, however, that we can make the per capita cap more acceptable to the states by providing them with additional flexibility to administer the medicaid program.

Second, the President's budget will reduce disproportionate share payments, and we are currently considering allocation models that make certain that dollars go directly to facilities that serve a high proportion of uninsured or underinsured individuals and/or a significant number of Medicaid beneficiaries.

### **EC-23: Protecting Victims' Rights**

The NGA urges Congress to pass a Constitutional amendment guaranteeing victim's rights. The President has announced his support for a constitutional amendment guaranteeing victims the right to be notified, to receive restitution, receive reasonable protection measures, and to be heard at sentencing and parole hearings.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:28-JAN-1997 15:40:45.00

SUBJECT: Re: dpc meeting

TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

That would be my sense too. It's kind of like giving out parking passes on an egalitarian basis.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:28-JAN-1997 15:23:11.00

SUBJECT: dpc meeting

TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

Cathy asked me whether staff comes to the DPC meeting. If so, of course, we should tell everyone asap.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:29-JAN-1997 18:53:52.00

SUBJECT: Re: VP speech at NGA Plenary Session

TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

Done.



RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:29-JAN-1997 12:15:46.00

SUBJECT:

TO: 4699 ( 4699 @ WHCA [ UNKNOWN ] )

READ:UNKNOWN

TEXT:

please call asap elena 65584

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:29-JAN-1997 15:59:47.00

SUBJECT: Re: executive memorandum

TO: Nicole R. Rabner ( CN=Nicole R. Rabner/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

Great meeting, no? It gives us some things to talk about, I think.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:29-JAN-1997 12:49:08.00

SUBJECT: Re: executive memorandum

TO: Nicole R. Rabner ( CN=Nicole R. Rabner/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

I think so. It looks great. I don't have much to do to it at all. I'll give you a call later today or tomorrow

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:29-JAN-1997 12:48:15.00

SUBJECT: Re: PROP 209

TO: Stephen C. Warnath ( CN=Stephen C. Warnath/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

Love one. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:29-JAN-1997 18:48:16.00

SUBJECT: Re: Just checking in

TO: Brooks E. Scoville ( CN=Brooks E. Scoville/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

Thanks. I talked with Steve Silverman today, who also says great things about you. Thanks for your patience in this process.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:29-JAN-1997 15:58:34.00

SUBJECT: Re: Jay Winsten letter

TO: Leanne I. Johnson ( CN=Leanne I. Johnson/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

I left a message for Jim Dorskind that Mike Cohen will be working on it.  
You should get in touch with him. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:30-JAN-1997 08:44:40.00

SUBJECT: Re: Attached NGA file

TO: Christopher C. Jennings ( CN=Christopher C. Jennings/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

Chris: you didn't send me an attachment.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:30-JAN-1997 13:43:58.00

SUBJECT: Re: 0-3 brain stuff

TO: Diana Fortuna ( CN=Diana Fortuna/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

for right now, me, jeanine, first lady folks.



RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:30-JAN-1997 13:43:59.00

SUBJECT: Re: Meeting with county officials re: welfare reform

TO: John P. Hart ( CN=John P. Hart/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:  
looks fine.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:30-JAN-1997 18:41:03.00

SUBJECT: Re: OMB on NGA resolutions

TO: Diana Fortuna ( CN=Diana Fortuna/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

not worth bothering about.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:30-JAN-1997 10:47:51.00

SUBJECT: Re: Wall estimate

TO: Paul J. Weinstein Jr. ( CN=Paul J. Weinstein Jr./OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

Paul: as soon as we can, right? thanks.

[illegible]

## **Talking Points on Welfare Maintenance-of-Effort Issue**

Background: HHS issued guidance yesterday on whether federal restrictions attach to the use of state money counting toward the welfare law's "maintenance-of-effort" standard. The governors urged HHS to say that no federal restrictions apply, thus giving the states maximum flexibility. HHS largely adopted this approach, but made clear that it would take administrative and legislative action to ensure that states not use the discretion given to them as a way of getting around the welfare law's work requirements.

- We have given states broad flexibility to run their own welfare programs. This flexibility will allow states room to innovate and give them the ability to respond to local conditions and problems.
- But we will hold states to the central goal of welfare reform: moving people from welfare to work. We will take administrative action to discourage states from using their flexibility to get around the welfare law's work participation requirements. And we will work with Congress and the governors on a bipartisan basis to enact legislation that will prevent this kind of evasion.
- Our approach on this issue is a balanced effort to give states flexibility, but also to make states accountable for putting people to work.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Elena Kagan@EOP@LNGTWY@EOPMRX

CREATION DATE/TIME:31-JAN-1997 15:46:00.00

SUBJECT: Re: Response to NGA resolutions - II

TO: SANVILLE\_U ( SANVILLE\_U@A1@CD ) (OPD)

READ:31-JAN-1997 15:46:59.75

TEXT:

Message Creation Date was at 31-JAN-1997 15:40:00

thanks a lot.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:31-JAN-1997 18:01:24.00

SUBJECT: SOTU Comments

TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

I'm forwarding Dennis's comments on the drug/crime section of the SOTU.  
He wants to check with Kent Marcus on the Brady and triggerlock language.  
----- Forwarded by Elena Kagan/OPD/EOP on 01/31/97 05:58  
PM -----

Dennis K. Burke  
01/31/97 04:27:35 PM  
Record Type: Record

To: Elena Kagan/OPD/EOP  
cc:  
Subject: SOTU Comments

The drug paragraph is perfect but I have one suggestion. I would recommend that we add the PSA campaign to it. I think we will get some play out of it, especially if we are challenging the media. Right after the sentence that ends "steer young people away, " add:

"We have a responsibility to send a consistent anti-drug message to our children. My drug budget provides for a national media campaign so that our children hear that message again and again. I have a challenge to the media --- for every ad we show, match it with another. Turn up the volume.

Now let me say a word directly to you, our children....."

I have another call into Kent on the triggerlock and Brady.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:31-JAN-1997 15:38:36.00

SUBJECT: Re: Response to NGA resolutions - II

TO: SANVILLE\_U ( SANVILLE\_U @ A1 @ CD @ LNGTWY [ EOP ] ) (OPD)

READ:UNKNOWN

TEXT:

thanks a lot.



RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Elena Kagan@EOP@LNGTWY@EOPMRX

CREATION DATE/TIME:31-JAN-1997 15:46:00.00

SUBJECT: Read Receipt: Response to NGA resolutions - II

TO: SANVILLE\_U ( SANVILLE\_U@A1@CD ) (OPD)

READ:31-JAN-1997 15:47:54.77

TEXT:

Message Creation Date was at 31-JAN-1997 15:40:00

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:31-JAN-1997 13:35:40.00

SUBJECT: Re: Food stamp answer

TO: Diana Fortuna ( CN=Diana Fortuna/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

this is fine, thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:31-JAN-1997 07:40:55.00

SUBJECT: Re:

TO: Gordon Li ( CN=Gordon Li/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

I believe there was some talk of this at one time, but nothing more than talk -- and even the talk has now stopped. If you have further questions, feel free to call.

[illegible]

January 31, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED

SUBJECT: DOMESTIC POLICY COUNCIL WEEKLY REPORT

**1. Education:** As follow-up to our meeting on national testing, the DPC has begun to map out a national strategy for helping students to reach national standards in reading and math. Yesterday, Mike Cohen met with the Deputy Secretary of the Education Department and the heads of OSTP and the National Science Foundation (NSF) to develop a strategy for marshaling the resources of a number of federal agencies to help students meet 8th grade international math standards. The Education Department and NSF would lead this interagency effort, with the involvement of the DPC and OSTP. The lead agencies also would map out a plan for mobilizing the mathematical, scientific, and technical communities throughout the nation in support of reaching the 8th grade math objective. The general intent is to launch an effort focused on 8th grade math achievement that is roughly comparable to America Reads -- supporting improved teaching and learning in the schools and the mobilization of community resources beyond them. One short term objective is to develop a Presidential directive initiating the interagency effort and announcing the broader national strategy.

**2. Welfare-to-Work Corporate Challenge:** We will be ready to announce the establishment of a coordinated corporate welfare-to-work effort at the State of the Union. We will announce that a number of CEOs will lead an effort to mobilize the business community around your challenge to put 1 million welfare recipients to work by the year 2000. We currently expect to name the CEOs of United Airlines, UPS, and Burger King, Monsanto, and Sprint, as well as the founder of Rachel's Bus Company in Chicago. Eli Segal, who has organized this effort, will continue his work on it after the State of the Union. In addition, we are working with Linda Lader and the Public Liaison office to organize a similar effort on the part of the religious community. Although the First Lady may speak on this subject to those attending the Congressional Prayer Breakfast next week, we expect that religious groups will need a month or so to figure out how to organize this effort.

**3. HHS Tracking System:** We have asked HHS to develop a system for tracking the progress of states and communities in implementing their welfare programs. Right now, HHS receives proposed state plans (usually written at a high level of generality), but has no other systematic way of discovering what is happening to welfare reform at the state and local level. In particular, we have asked HHS to find ways of identifying the most innovative and successful state and local programs. HHS then can disseminate information on these programs, and you can

highlight the best of them in your trips around the country.

**4. Service summit:** We are working with the Corporation for National Service on planning the April summit. We will convene a meeting next week with representatives from all agencies to discuss the role they can play in the summit. [Bruce: what else?]

**5. Women's Health Update:** A number of women's health organizations have raised questions about the treatment of women following mastectomies -- and in particular, whether they are discharged from hospitals too early. HHS has determined that Medicare will cover stays of 48 hours or more following a mastectomy if a doctor and patient believe the stay is necessary. You can announce this policy and your support of similar legislation for private health plans in the State of the Union. In addition, HHS will probably make final recommendations at the end of next month about mammography screening for women between the ages of 40 and 50. The Department will probably not recommend that all women of this age receive mammography screenings. It will recommend, however, that insurers cover mammography screenings for women of this age when a doctor determines the screening to be appropriate. Women's health advocates will view this recommendation as a positive step. These actions, coupled with provisions in the budget to improve health care quality and increase funding for NIH, create a strong package of women's health initiatives.

**6. Food stamp waivers:** You asked about an item in a recent Cabinet weekly report describing USDA's approval of a request from Hawaii to waive the food stamp work requirement. Specifically, you asked whether the ability to waive this requirement means that we don't need to change the law in this area. It unfortunately does not. Waivers can be granted only to areas with unemployment rates over 10% or with "insufficient jobs" as defined by the Bureau of Labor Statistics. Although these waivers do offer significant relief from the law, they would help only about 30% of the single adult population even if states take full advantage of the waiver option. USDA has not granted any statewide waivers so far. For example, the waiver given to Illinois only exempts portions of the city of Chicago.

# Withdrawal/Redaction Marker

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|--------------------------|---------------|------|-------------|
|--------------------------|---------------|------|-------------|

|             |  |            |    |
|-------------|--|------------|----|
| 001a. email | Elena Kagan to Diana Fortuna. Subject: here it is [partial] (1 page) | 01/31/1997 | P5 |
|-------------|--|------------|----|

### COLLECTION:

Clinton Presidential Records  
Automated Records Management System (Email)  
OPD ([From Elena Kagan])  
OA/Box Number: 250000

### FOLDER TITLE:

[01/27/1997-02/04/1997]

2009-1006-F

kc207

### RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]  
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]  
P3 Release would violate a Federal statute [(a)(3) of the PRA]  
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]  
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]  
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

b(1) National security classified information [(b)(1) of the FOIA]  
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]  
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]  
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]  
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]  
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]  
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]  
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 31-JAN-1997 15:42:38.00

SUBJECT: here it is

TO: Diana Fortuna ( CN=Diana Fortuna/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ: UNKNOWN

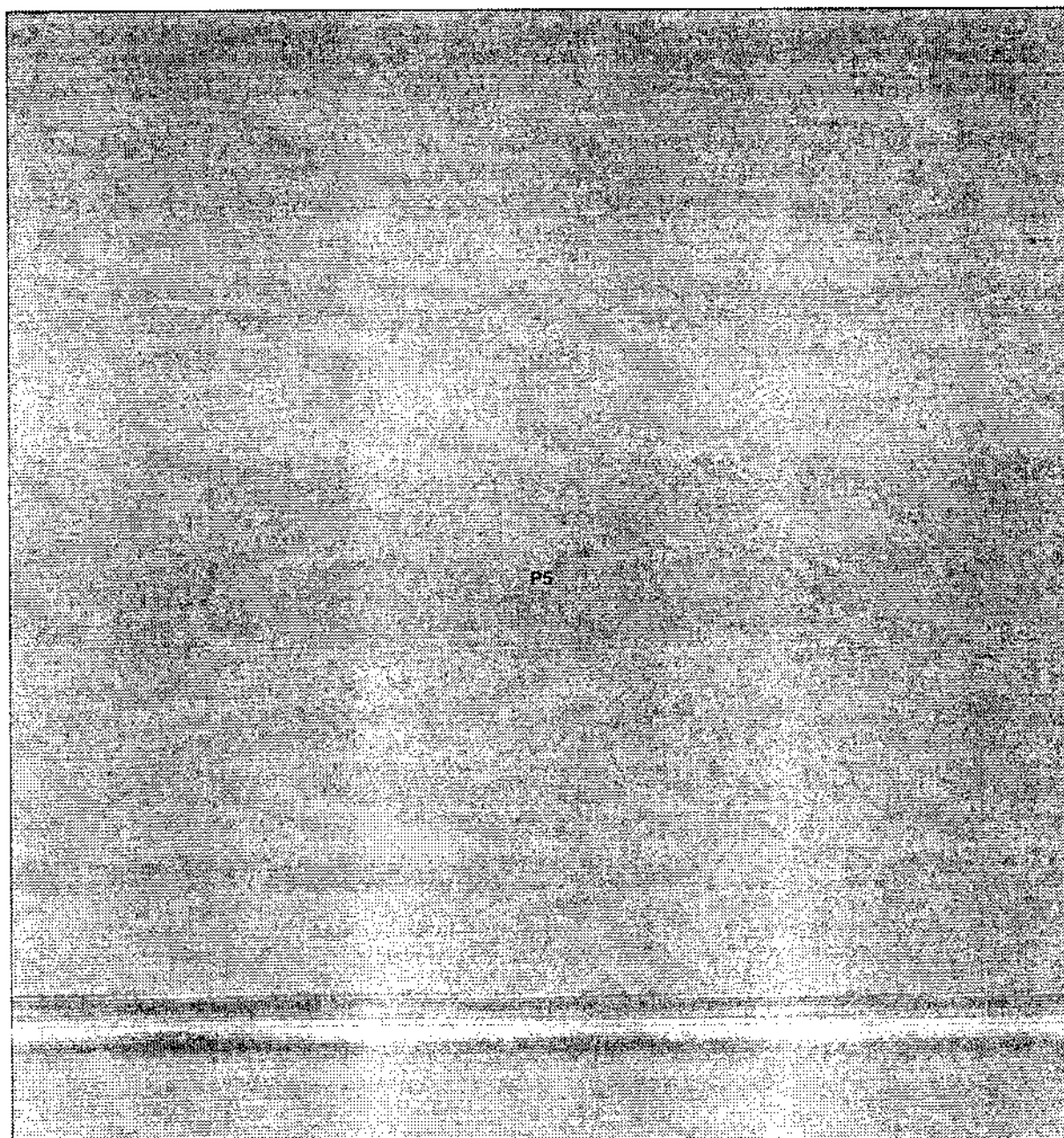
TEXT:

===== ATTACHMENT 1 =====  
ATT CREATION TIME/DATE: 0 00:00:00.00

[001a]

TEXT:

Unable to convert ARMS\_EXT: [ATTACH.D48]MAIL47466503G.016 to ASCII,  
The following is a HEX DUMP:





## Campaign Finance Reform

**Question:** *You've announced your support for the campaign finance reform bills introduced in the House and Senate respectively by Representatives Shays and Meehan and Senators McCain and Feingold. Yet, similar legislation was filibustered in the Senate last year and was never considered by the House. Why should the American people expect better results this year?*

**Answer:** We now have an historic opportunity to enact real bipartisan campaign finance. The national outcry for cleaning up the campaign finance system is much greater than last year, and I believe that Congress should and will respond to the call for reform. If we don't, the American people will hold us all accountable. Finally, I am committed to redoubling my efforts to working with Congress on enacting bipartisan reform, and I will take every opportunity to challenge Congress to act.

**Question:** *Some have characterized your offer to have the Democratic National Committee(DNC) stop accepting soft money contributions if the Republican National Committee (RNC) agrees to do the same as grandstanding -- particularly since the RNC raises more soft money than the DNC does. If you are really committed to taking bold action, why not just direct the DNC to stop taking such contributions unilaterally?*

**Answer:** First, I have asked, and the DNC has agreed, to take some unilateral steps to limit contributions. Specifically, the DNC will adopt the position my campaign took of not accepting contributions from non-citizens and foreign-owned businesses. This will put the DNC at a disadvantage in relation to the RNC, but because I believe it is the right thing to do, we are going forward with this decision. However, I am not willing to have the DNC completely unilaterally disarm. The RNC already raises more and spends more than the DNC. But because we need to reduce the cost of campaigns and because the American people want us to take action now, I am willing to put an end to the soft money system. All the RNC has to do is just say yes.

## **Immigration**

**Question:** *Are you going to push for legal immigration cuts in this Congress?*

**Answer:** Majority Leader Lott made clear recently that legislation to restrict legal immigration is unlikely to be part of the Congressional agenda this year.

Still, this Administration wants to improve the legal immigration system and there are ways that we can continue to make it work better. This includes improving customer service and taking other steps to make the INS more efficient and effective.

It is important that any immigration reform considered by Congress recognize the contribution of legal immigrants to our country. Legal immigration should not be used as an issue to divide us.

**Background:** During last year's debate, the Administration supported a moderate reduction in the level of legal immigration consistent with principles that are pro-family, pro-work and pro-naturalization. Republican leadership has pulled back from addressing cuts to legal immigration because it believes that significant blocks of voters in the last election perceived their party to be anti-immigrant. Senator Spencer Abraham, who is strongly pro-immigration, has replaced Senator Simpson, who favored cuts in immigration levels, as chair of the Senate Judiciary Committee's Immigration Subcommittee. Abraham and others may well spend time criticizing INS operations.

**Question:** *What is the latest on the fight against illegal immigration?*

**Answer:** We are moving forward quickly to implement the illegal immigration enforcement bill, which will help our efforts to reduce illegal immigration. These efforts have resulted in unprecedented border control, stronger worksite enforcement to prevent the hiring of illegal workers, and record removals of criminal and other deportable aliens from this country.

We have also just announced a record \$3.1 billion budget for 1997 to support my priority of securing our country's borders. This is a 17% increase over 1996 and a 105% increase during the past four years. We are hiring 1,000 new Border Patrol agents and 350 inspectors. In addition, the new resources will allow us to increase the removal of criminal and other deportable aliens by at least 36% over the record level of 1996.

## Civil Rights

**Question:** *The Supreme Court has requested that the Administration weigh-in on the Piscataway affirmative action case. How will the Administration respond?*

**Answer:** The Justice Department is reviewing the Supreme Court's request and will provide me with a recommendation. Before I see that recommendation, and the legal analysis on which it is based, I do not want to comment on the Administration's potential litigating position.

**Background:** The Supreme Court recently asked the Justice Department for its views on whether the Court should hear the Piscataway case. The case arose when the Piscataway, N.J. school board fired a white teacher rather than a black teacher with the same seniority. The school board stated that both teachers were equally qualified and that the decision was not to redress past discrimination, but rather to provide diversity in one of the school's departments. The Bush Administration filed a brief in support of the white teacher. In 1993, your Justice Department sought to reverse this position by submitting a brief in support of the school district. The trial court refused to allow the Justice Department to change sides in this way, instead kicking the Department out of the case. The Supreme Court is essentially asking that the Justice Department reenter the case, and the question is which side its brief will support.

## Welfare Reform

**Question:** *How much money does the President's budget contain for welfare reform?*

**Answer:** As you know, I have not yet sent my budget to Congress. My staff and I are making final funding decisions and expect to send the budget to the Hill very soon. However, I can say this. There are two sets of numbers for welfare reform in my budget: money for the Welfare to Work Initiative and money to improve areas of the welfare law -- in particular, on legal immigrants and food stamps -- that I have objected to from the beginning.

**Question:** *What do you propose to do in your welfare to work initiative?*

**Answer:** The Welfare to Work Initiative is still being designed, but it would help move hard-to-place welfare recipients off of the welfare rolls and into work. The initiative would likely have two parts: 1) a performance-based welfare-to-work jobs challenge to help states and cities create job opportunities for the hardest to employ recipients, and 2) an enhanced and targeted Work Opportunity Tax Credit to provide the private sector with powerful and new financial incentives to hire the hard to place welfare recipients.

**Question:** *How are you going to move people from welfare to work when there are no jobs?*

**Answer:** I believe jobs are available and I expect the welfare rolls to continue to decline. Minimum wage jobs have always been open, but the package of welfare benefits previously available offered more to recipients than a minimum wage job. Now, with increases in the Earned Income Tax Credit, child care subsidies, and other provisions that makes work pay, welfare recipients can afford to take those available minimum wage jobs. Once working, former welfare recipients will gain the employment experience necessary to move up the ladder of work.

But, we will need more jobs -- and jobs that pay more than the minimum wage if we are ensure the success of the new welfare law. I believe that a combination of private sector commitments, such as those made by the CEOs with whom I recently met, economic development, tax credits, additional welfare-to-work funds, and a focus on jobs in the growing technology industry will create the new, higher paying jobs we need.

**Question:** *You've said you're ready to work with Congress to fix the immigrant and food stamp parts of the welfare law, but some in the Republican leadership say the bill is fine as it is. Doesn't this mean your proposals will be dead on arrival?*

**Answer:** One of the things I am most encouraged about as I start my second term is that I believe we are seeing some real changes in our relationship with the Congress. I

truly believe we have gotten past some of the unproductive ways of doing business we have had over the past two years, and that we are learning how to work with one another in a far more constructive fashion.

Clearly I have my priorities and so do they; and I am not so naive as to think that all of our disagreements will be swept away. Nor should they be, since a healthy debate is part of what the American people are paying us for. But I am looking forward to working with the Congress in a continuing process of give and take, and explaining why I think my proposals merit their support.

**Question:** *You said you were committed to state flexibility in the welfare law, but now there are reports that Secretary Shalala wants to tell Governors how to spend their own money. Isn't that an about-face?*

**Answer:** Over the past months, Federal and state agencies have been engaged in the massive process of implementing this new law. We have resolved many issues and answered many questions that the states have had, and many are still being resolved. The question here is how to implement the law's requirement that states must continue to spend some of their own dollars to help families. And HHS is working to answer this question expeditiously.

One thing I will say is that we want to make sure that the work requirements in this law are real. We want to be absolutely sure that people on welfare who can work do so, and that this doesn't become a shell game where people are moved from one program to another to get around the bill's fundamental purpose, which is to move people from welfare to work. I think the American people would be very disappointed if that were the outcome, after all the talk they've heard from both sides here in Washington.

**Question:** *The welfare law gives you the choice of how many disabled children will be cut off of the SSI program. Have you made this decision yet?*

**Answer:** The Social Security Administration is now working to implement the new law fairly and effectively. Writing this new standard is an important task since it must be consistent with the Congress's intent to tighten eligibility for this program, and also ensure that severely disabled children retain their benefits, including Medicaid. I expect they will finish their work shortly.

SSA is also working to ensure that eligible children have the opportunity to demonstrate that they meet the new standard; that families are aware of their appeal rights; and that government agencies and community and advocacy groups work together to support and assist these families as their eligibility for SSI benefits is redetermined.

## Crime & Drugs

**Question:** *Recently, in response to the Medicinal Marijuana Initiatives passed in those states, the Administration announced that it was going to start prosecuting doctors in California and Arizona for prescribing marijuana. So-called "Cannabis Clubs" in California are now liberally distributing marijuana, yet the Administration has yet to bring a case.*

*Is the Administration backing off this initial threat to prosecute doctors in those states?*

**Answer:** There was no threat involved here.

I strongly believe that we need to ensure that all Americans have access to safe and effective medicine. But these two propositions send the wrong message to children. They undermine the concerted efforts of parents, educators, businesses, elected leaders, community groups and others to achieve a healthy, drug-free society.

That is why I directed General McCaffrey to provide me with recommendations on a Federal response to these propositions and to any efforts in other states to pass similar propositions.

And our response has been simple and direct -- we will continue our obligation to enforce Federal drug laws. No one is singled out. It does not matter if you are a doctor, a school bus driver, a Federal contractor, or a nuclear regulatory worker. As both General McCaffrey and Attorney General Reno stated, Federal prosecutors will enforce our laws on a case-by-case basis -- as we always do.

## Education

**Question:** *Last week in Chicago you called for national standards in education. You said they should be national, but not federal. Why do we need them, and, if the federal government shouldn't establish them, how do you propose to create them?*

**Answer:** We need national standards for what students should learn because every student, every parent, every teacher, and every school must know what is expected of them, and must be able to measure their progress against these standards. While I believe in local control of education -- and we have local control right now -- there must be common expectations for students throughout the country. Algebra ought to be the same no matter where it is taught.

There is much available that states and school districts can use right now. The National Council of Teachers of Mathematics has developed widely accepted standards for math. There are similar standards for science. And last week Secretary Riley and I announced that an international test in math and science -- one which shows clearly what world class achievement levels are -- will be available for local school systems and states to use. This will enable them to tell if their students are performing at high levels, and more importantly, if they have a curriculum in place that can help students reach these high standards. I urge as many school districts and states as possible to take advantage of this possibility.

**Question:** *Last week you announced that students in some wealthy suburban Chicago communities scored very high on an international test in math and science; you called for national standard; and you urged other school systems to test their students in the same way. Don't we know already that students in low income communities will score much lower than the rich students? If all students are held to these same high standards, what will you do to make sure that low income students in our cities, who don't have the advantages that those suburban students have, can do well on the test?*

**Answer:** First, let me say that the point of giving this international test to more students, including those in our urban systems, is not to see who wins and who loses. It is to make sure that the people running those systems, and the people who send their students to those schools or who teach in them, have an honest assessment of how well they do compared to tough international standards.

Let me also say that I firmly believe that every child in America, no matter what their family circumstances and even if they live in our poorest rural areas or cities, can learn to these world class standards. You just need to think of all those students in inner city Los Angeles that Hymie Escalante -- the subject of the

# Withdrawal/Redaction Marker

## Clinton Library

| DOCUMENT NO.<br>AND TYPE  | SUBJECT/TITLE                              | DATE       | RESTRICTION |
|---------------------------|--|------------|-------------|
| 001b. email<br>attachment | Campaign Finance Reform [partial] (1 page) | 01/31/1997 | P5          |

### COLLECTION:

Clinton Presidential Records  
Automated Records Management System (Email)  
OPD ([From Elena Kagan])  
OA/Box Number: 250000

### FOLDER TITLE:

[01/27/1997-02/04/1997]

2009-1006-F

kc207

### RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]  
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]  
P3 Release would violate a Federal statute [(a)(3) of the PRA]  
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]  
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]  
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

b(1) National security classified information [(b)(1) of the FOIA]  
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]  
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]  
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]  
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]  
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]  
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]  
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.



movie Stand and Deliver --helped to take and pass Advanced Placement courses in Calculus when most people didn't even think they could learn algebra, to realize that we can set high expectations for all of our students.

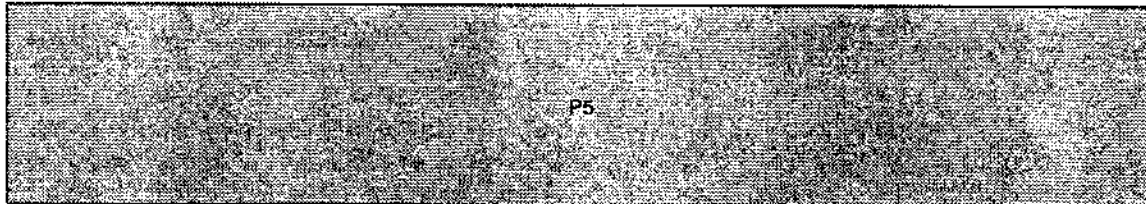
What we have learned from these tests is that the countries that outperform us do so because of what happens in the classroom, much more than what happens outside of it. They have high expectations for their students. They have a challenging curriculum that is focused on a few topics each year. They teach in depth, so that students really understand the material. There is no reason in the world that we can't do that in every school in this country, no matter where it is.

[0016]

**Question:** *What is your view on the ongoing ebonics debate? Is this a good way to help African-American students learn English? Should federal funds for bilingual education or Title I be available for this?*

I am opposed to using federal funds to teach ebonics. I agree with Secretary Riley, who said several weeks ago that teaching ebonics is the wrong way to go about helping children reach high standards. All students need to learn to speak Standard English.

If there is one good thing that has emerged from this debate it is the renewed attention to the need to improve minority achievement in our schools. That is the real issue we need to focus on.



RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 31-JAN-1997 19:11:52.00

SUBJECT: More SOTU comments for Bruce

TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )

READ: UNKNOWN

TEXT:

see attached.

----- Forwarded by Elena Kagan/OPD/EOP on 01/31/97 07:09 PM -----

Dennis K. Burke  
01/31/97 06:15:39 PM  
Record Type: Record

To: Elena Kagan/OPD/EOP  
cc:  
Subject: More SOTU comments for Bruce

I talked to Kent Markus at Justice and here are his comments:

1. He wanted to know if we mention "civil rights" anywhere in the speech. The AG thinks it is an area that at the minimum just needs to be mentioned so that no one can accuse us of not mentioning it.

2. He wanted to know where we got the 100,000 criminal aliens goal -- I assumed Steve was looking into that and has been working w/ INS. He did note as an aside that saying "We should" is not as strong as just "Our goal is..."

3. He recommends that we mentioned youth alcohol abuse somewhere -- it could fit at the end of "My balanced budget includes the largest anti-drug effort ever: to stop drugs at their source, punish those who push them, and steer young people away from drugs and alcohol."

4. On the Youth Violence Bill paragraph, here are some points I talked through with him:

Change Brady/juvenile sentence to: "Extends the Brady law check to prevent violent juveniles from ever buying a handgun." The current sentence says "extends the Brady Bill so a minor ...." But technically Brady does not disqualify an individual from buying a handgun -- the 1968 Gun Act does that; Brady is a check of that disqualification. Not an earth-crushing distinction, but the rewrite is not bad rhetorically and more correct.

Change Safety lock sentence: "requires gun safety locks to help prevent theft and tragic accidents." This takes out "trigger" which is awkward (and actually incorrect because the lock is not on the trigger). "Help" gives us some wiggle room in case someone claims these locks will have no impact. "Theft and tragic accidents" sounds better than "unauthorized use."

Provide resources sentence: wants us to add in this sentence "provides resources to communities so they can deal with truancy, school

violence, and can keep schools...." AG wanted us to emphasize that the resouces are going to the "community" and we have a grant program in the bill -- separate from the Afterschool program -- for anti-truancy, school violence programs, curfews, etc.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 1-FEB-1997 16:22:35.00

SUBJECT: sotu

TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

Realizing that I may be taking on someone's favorite line (perhaps even yours), i'm nonetheless going to say that the quote from Isaiah is the most preposterously presumptuous line i have ever seen -- and the President would deserve it if the press really came down on him for this.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 1-FEB-1997 17:07:01.00

SUBJECT: Children's Initiative

TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 02/01/97 05:05 PM -----

Clifford J. Gabriel  
01/31/97 07:32:40 PM  
Record Type: Record

To: Elena Kagan/OPD/EOP  
cc: John H. Gibbons/OSTP/EOP  
Subject: Children's Initiative

Elena: Attached is some suggested wording for the State of the Union on a more comprehensive approach to health, social well being and cognitive development of children. I believe this captures what OSTP and DPC has agreed to do through the joint working group and adds some needed context to children's issues. I hope this is useful. Cliff

Besides raising educational standards, we must prepare all our children to learn. Over the next four years, my Administration will advance a comprehensive program on the health, social well-being, and cognitive development of children. We need to improve the health and nutrition of our children; to keep our children away from drugs, tobacco, and other substances and activities hazardous to their well-being; and to better understand the developmental aspects of learning. Research in these areas will play a critical role, just as it did in the development of the successful Head Start program. My balanced budget expands Head Start by one million children by 2002.

I am pleased to announce we will convene a White House Conference on Early Learning and the Brain this spring, to apply the newest scientific insights toward understanding how young children learn. It is never too early to learn, and we can never do too much to help them. I am also establishing a Children's Research Task Force that will link federal agencies, policy makers, and the scientific community to identify the most important needs and opportunities in child and family research.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 1-FEB-1997 16:55:04.00

SUBJECT: Re: sotu

TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

laugh at your own peril

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 1-FEB-1997 16:29:05.00

SUBJECT: teams

TO: Paul J. Weinstein Jr. ( CN=Paul J. Weinstein Jr./OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

so on your list of teams, where's my asst??

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 1-FEB-1997 17:09:57.00

SUBJECT: Re: FLOTUS speaking to prayer breakfast on Weds. on welfare to work

TO: Pauline M. Abernathy ( CN=Pauline M. Abernathy/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

CC: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

CC: John P. Hart ( CN=John P. Hart/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

CC: Lyn A. Hogan ( CN=Lyn A. Hogan/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TEXT:  
yes, that's fine



RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 1-FEB-1997 16:12:06.00

SUBJECT: sotu speech

TO: Stephen C. Warnath ( CN=Stephen C. Warnath/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

There's a line in the SOTU that reads: "We should set a goal to deport a record 100,000 criminals and other illegal aliens this year." Any problems?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 1-FEB-1997 15:08:03.00

SUBJECT: disability regs

TO: Diana Fortuna ( CN=Diana Fortuna/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TO: Stephen C. Warnath ( CN=Stephen C. Warnath/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

Thanks for the memo. Could you get me a copy of the reg and guidance, with the relevant pages of the latter marked? Many thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 2-FEB-1997 17:09:44.00

SUBJECT: Re: Early Childhood Research

TO: Carol\_Rasco ( Carol\_Rasco @ ed.gov @ INET @ LNGTWY [ UNKNOWN ] )

READ:UNKNOWN

TEXT:

Carol: Many thanks. I think Bruce and I are going to ask Nicole to go to each of these meetings. And I would love a packet of newsletters, previous reports, etc.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 2-FEB-1997 17:06:53.00

SUBJECT: campaign finance

TO: Paul J. Weinstein Jr. ( CN=Paul J. Weinstein Jr./OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

Do you have more recent drafts of the campaign finance principles and the side-by-side? Or do I have the latest?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 2-FEB-1997 17:19:51.00

SUBJECT: welfare budget rollout materials

TO: Diana Fortuna ( CN=Diana Fortuna/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

I don't like the "moderating harsh impacts" language on pp. 1-2. It sounds as if we think the whole law has a harsh impact. Can't we refer more specifically to what we don't like and think needs fixing? Also on the last page, the first bullitt is incomprehensible. And I'm not sure I understand the second either. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 2-FEB-1997 17:13:53.00

SUBJECT: 0-3 stuff

TO: Nicole R. Rabner ( CN=Nicole R. Rabner/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

1. Could you go to the meetings Carol mentioned in her e-mail to us and report back if anything interesting happens? Thanks.

2. I believe Bruce is going to have a discussion with the First Lady on dates for the 0-3 Conference. There's some thinking that it should be later than originally planned. I have your scheduling requests, which look great -- except that we are still indefinite on the timing. Let's wait for a bit more guidance before we turn them in.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 2-FEB-1997 17:06:07.00

SUBJECT: campaign finance

TO: WEINSTEIN\_P ( WEINSTEIN\_P @ A1 @ CD @ LNGTWY { EOP } ) (OPD)

READ:UNKNOWN

TEXT:

Do you have more recent drafts of the campaign finance principles and the side-by-sides? Or do I have the latest?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 2-FEB-1997 17:15:12.00

SUBJECT: 0-3

TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

A reminder that you should have a conversation with the First Lady and/or Melanne on dates for the 0-3 Conference. I think you should convince her to do it a bit later than originally planned.



RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 2-FEB-1997 17:07:54.00

SUBJECT: child welfare

TO: Lyn A. Hogan ( CN=Lyn A. Hogan/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

Could you come talk with me, at your convenience, re your child welfare memo and the HHS response to the adoption directive? Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 2-FEB-1997 17:22:40.00

SUBJECT: Re: Disability work incentives

TO: Diana Fortuna ( CN=Diana Fortuna/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

CC: REED\_B ( REED\_B @ A1 @ CD @ LNGTWY [ EOP ] ) (OPD)

READ:UNKNOWN

TEXT:

My vote is to do it. These are excellent proposals, and we should make sure the people who care about them know about them.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 2-FEB-1997 17:46:21.00

SUBJECT: abortion

TO: Sylvia M. Mathews ( CN=Sylvia M. Mathews/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

I think most of the matters we've been exchanging phone calls about (women's health, etc.) have taken care of themselves. The only outstanding issue is the DOJ response to abortion clinic violence. FYI: the DPC and Counsel's Office have jointly asked DOJ to examine its policy on protection of clinics and report back to us with any proposed changes. I'll let you know if anything important comes of this process.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 2-FEB-1997 17:38:02.00

SUBJECT: steve waldman phone call

TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

Steve Waldman wanted you to know about a conversation he had with a person from the National Council of Churches who runs an umbrella program involving the service activities of 15 different religious denominations. This person assured Waldman that if the President calls for faith-based service in the way you and Waldman have previously discussed, there will be an immediate response: a dramatic increase in the number of people doing service through faith-based groups.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 3-FEB-1997 20:01:43.00

SUBJECT: outreach list

TO: Christopher C. Jennings ( CN=Christopher C. Jennings/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

When you have your list, please e-mail it to Eli Attie. Thanks much.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 3-FEB-1997 10:56:12.00

SUBJECT: State of Union/Budget

TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 02/03/97 10:55 AM -----

FLEMING\_P @ A1

02/03/97 09:44:00 AM

Record Type: Record

To: Paul J. Weinstein Jr.

cc: Elena Kagan

Subject: State of Union/Budget

I spoke with Elena following the staff meeting and this is what we agreed on. I will make calls tomorrow re both items. The SOU language will soften the negatives of the budget numbers a little.

Today, Nancy-Ann and I are meeting with the head of AIDS Action Council, Daniel Zingale, to brief him. We will ask him to keep the numbers confidential, although they have already leaked.

AIDS; Others I will call include Miguelina Maldonado, National Minority AIDS Council; Cornelius Baker, National Assn. of People with

Jane Silver, American Foundation on AIDS Research; Scott Hitt, Pres. Advisory Council on AIDS; Julie Scofield, National Association of State and Terr. AIDS Directors; David Harvey, AIDS Policy Center for Children; Winnie Stachelberg, Human Rights Campaign Fund; Callie Gass, National AIDS Fund.

Even though the AIDS numbers are quite good in the context of the overall discretionary budget, the groups will be upset about the Ryan White numbers, especially the Title 2 amount which includes the AIDS Drug Reimbursement Program (this has an increase of \$15M)

as compared to last year when the Pres. submitted a budget amendment adding to ADAP for a grants total of . Also, The \$5 M for Title 1 will be a problem for them. Then, of course, the Medicaid cap is causing great concern. I fully expect some statements from them blasting the budget on these points.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 3-FEB-1997 12:10:23.00

SUBJECT: Re: I faxed you earlier the SOTU health comments from Chris and me

TO: Pauline M. Abernathy ( CN=Pauline M. Abernathy/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

got it. thanks. and chris just talked with bruce

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 3-FEB-1997 12:18:16.00

SUBJECT: Summary of roll-out activities and revised talking points on SOTU

TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

did you get this??

----- Forwarded by Elena Kagan/OPD/EOP on 02/03/97 12:17 PM -----

Eli G. Attie

02/03/97 12:16:49 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Summary of roll-out activities and revised talking points on SOTU

Message Sent

To:

Stephen B. Silverman/WHO/EOP

Kathryn O. Higgins/WHO/EOP

Julie E. Mason/WHO/EOP

Michelle Crisci/WHO/EOP

Marcia L. Hale/WHO/EOP

John L. Hilley/WHO/EOP

Jonathan A. Kaplan/OPD/EOP

Gene B. Sperling/OPD/EOP

MCAFEE\_F @ A1 @ CD @ LNGTWY

Elena Kagan/OPD/EOP

Susan A. Brophy/WHO/EOP

John Podesta/WHO/EOP

Sylvia M. Mathews/WHO/EOP

Victoria Radd/WHO/EOP

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS\_EXT: [ATTACH.D2]MAIL49434433X.016 to ASCII,

The following is a HEX DUMP:

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559306029D4C0D8FF0CF55DFD0E5E67CC75498914E69B9D2301C1B6FF4DFED5FC9E2595938BA  
6C5AF9EAC8F966120A6C3E013CBB58F56C5F5885EF2B1E68AC68EA839C93D1ED52B9951B969109  
A048BF4EC58CE708FA121B8891E4B8519FC79216AD7FC984F4F8948DA8FA27027933B4B112BCEF  
AC872FBF0FA309C9E941AA5AA282CB376162288CE85DB4B75F1DF22320594A6A0BC35B16F3B634  
400331766BD2500DBC2AA3C2EFB80E2A3F7783348C4174738DCDC28A03C513E1EEA3FF3FE22F9  
5D4D7395096019AEC227D64A3813BFF86FD300184BAEA8657E5BAEDAECE788CF98582DB902624



February 3, 1997

**MEMORANDUM FOR DISTRIBUTION**

**FROM: COMMUNICATIONS**

**SUBJECT: STATE OF THE UNION/BUDGET ROLL-OUT**

Attached is a revised summary of State of the Union/Budget roll-out activities for the next two days, as reported by various offices during this morning's 8:30 a.m. senior staff meeting. Also attached are current talking points on the State of the Union address.

**STATE OF THE UNION/BUDGET ROLL-OUT SCHEDULE**  
**(as of Monday, February 3, 1997)**

**Monday, February 3**

**Principals:**

POTUS/VP meeting with NGA at White House  
POTUS/VP drop-by DGA Reception

**Intergovernmental:**

Governors stake-out after NGA roundtable meeting at White House

**Cabinet:**

Brief Cabinet public affairs directors on week-ahead (Haas, Raines)  
Brief Cabinet on budget and State of the Union (Bowles, Raines, Sperling, Baer, Lewis)

**Congress:**

Brief Democratic press secretaries (McCurry, Lewis)

**Public:**

Phone briefing for economists (Bowles, Sperling, Raines, etc.)  
Preview SOTU conference calls with national leaders (OPL -- list to come)  
(Note: Sperling briefed business representatives last Thursday re: budget)

**Tuesday, February 4**

**Principals:**

POTUS -- State of the Union Address  
VP -- lunch with network anchors

**Intergovernmental:**

Governors may attend SOTU, work on post-SOTU press

**Cabinet:**

Calls to major editorial boards (Media Affairs will assign)

**Congress:**

Briefing for Senate Democratic Caucus (Bowles, Rubin, Raines, Hilley)

**Press:**

Morning news shows (Shear)

3 pm: Meeting with network correspondents (Bowles, Raines)

4 pm: Brief WH reporters (Bowles, Raines)

Speech excerpts distributed for evening news

Talk radio interviews after speech

**Wednesday, February 5****Principals:**

POTUS travels to Georgia: HOPE Scholarships plus K-12 event

**Intergovernmental:**

Zell Miller with POTUS

**Cabinet:**

Pentagon briefs on budget, embargoed for Thursday

Press outreach -- as requested by Media Affairs (regional radio interviews, etc.)

**Congress:**

Max Cleland, Paul Coverdell invited to travel with POTUS

5-11 pm: Briefings for Hill Democrats (Rubin, Raines, Hilley, Lew, Robertson)

- House Democrats

- House Coalition Budget Group

- Senate Legislative/Staff Directors

- House Legislative/Staff Directors

- Staff from Appropriations/Tax-writing/Budget committees

- Medicare/Medicaid (Jennings/Tarplin/Vladek/Min)

- Education-related committees (Apfel)

- Welfare-related committees (DPC/OMB/HHS)

- Senate Finance/House Ways and Means (Summers)

**Press:**

McCurry briefs wires on budget (embargoed)

Regional satellite tour, radio and network affiliate services

Conference calls with specialty press  
Interview with JET Magazine

**Public Outreach:**

Breakfast with Business Roundtable chairs (Rubin, Sperling)  
Conference for 200 constituency leaders (OPL)  
Targeted outreach -- list to come (OPL)

## **TALKING POINTS ON THE STATE OF THE UNION ADDRESS**

**Monday, February 3, 1997**

**A concrete action plan.** In his Inaugural address, President Clinton presented his larger vision of preparing America for the 21st Century. In the State of the Union and budget, the President will present his clear, concrete and consistent action plan to implement that vision.

**At a time of peace and prosperity, our great enemy is inaction.** The President will emphasize the unique opportunity America faces to build on the strong economic foundation we have established, and also the importance of taking action now to share the 21st Century.

**Balancing the budget to keep the economy strong and investing in critical priorities.** The President will demonstrate that he has moved the country beyond the false choices of the past -- that we can finish the work of balancing the budget, to lower interest rates and keep the economy growing, while still investing in those things that help the American people thrive and our economy grow.

**Working together with all sectors of society.** The President will stress the responsibility shared by all sectors of society (states, localities, businesses, communities and families) to work together to meet our challenges. In his address, he will issue a call to action that must be answered by all Americans, and he will highlight those who are already stepping up to the challenge of preparing America for the 21st Century.

**Key points to emphasize: education, leadership in the world and unity.** The President's address will place a special focus on these three areas -- giving our children a world-class education for the 21st Century, remaining the world's indispensable nation, and forming a stronger, more perfect union here at home.

## STATE OF THE UNION ADDRESS -- THEMATIC OUTLINE

Monday, February 3, 1997

**1. Finishing the unfinished business of our country.** The President will open with a strong statement of his determination to finish the job of balancing the budget, reforming welfare and reforming campaign finance laws, to lay the foundation for preparing America for the 21st Century.

**2. Strengthening education as the number-one priority.** The President will emphasize that nothing is more important to preparing America for the 21st Century than giving our children a world-class education. That is why the President is proposing the largest education budget in history, providing record investments from pre-school to high school to college, and he is focussing on the responsibility all families and communities share to renew our schools at all levels. His address will place a special focus on the need to set the highest standards for students, teachers and schools.

**3. Harnessing the powerful forces of knowledge, science, and technology.** In the first State of the Union to be carried live over the Internet, the President will discuss his plans to spread the benefits of technology and research to all Americans, from our schools to our hospitals to our homes.

**4. Building stronger families to help parents pass on their values to their children, and stronger communities to prepare America for the 21st Century.** The President will talk about the need to strengthen America's families by expanding Family Leave, and continuing to expand access to health care step-by-step; and the need to strengthen our communities by revitalizing urban communities, protecting our environment, pressing the fight against crime and drugs, expanding national service and celebrating culture and the arts.

**5. Keeping American leadership strong.** The President will place a special focus on keeping America strong, by maintaining our role as the world's indispensable nation. This includes building an undivided, democratic Europe; building an Asian-Pacific community; prospering in the global economy; remaining a force for peace throughout the world; moving strongly against new threats to our security, and maintaining the tools to meet these challenges.

**6. Remaining strong as One America.** Following through on his Inaugural address, the President will issue a strong call for unity -- emphasizing that our diversity is a great strength as we move into the 21st Century.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 3-FEB-1997 09:59:32.00

SUBJECT: Re: 0-3 stuff

TO: Nicole R. Rabner ( CN=Nicole R. Rabner/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

You're way ahead of me. That's great. On the dates: we agree that there are dangers of seeming a johnny-come-lately. But especially if we want to link up the conference with real policy initiatives, there are also dangers of going ahead before we're really ready. We've been getting that message from a bunch of cabinet secretaries, and I think Bruce wants at least to reopen this question. Talk to you soon.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 3-FEB-1997 09:55:28.00

SUBJECT: Re: meeting tomorrow on Congressional Testimony on Welfare Reform

TO: Jill M. Pizzuto ( CN=Jill M. Pizzuto/OU=OMB/O=EOP @ EOP [ OMB ] )

READ:UNKNOWN

TEXT:

yes, I can



RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 3-FEB-1997 12:49:15.00

SUBJECT: Re: meeting tomorrow on Congressional Testimony on Welfare Reform

TO: Diana Fortuna ( CN=Diana Fortuna/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 02/03/97 12:48  
PM -----

Bruce N. Reed

02/03/97 12:49:13 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Re: meeting tomorrow on Congressional Testimony on  
Welfare Reform

You and Diana should go

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 3-FEB-1997 10:55:00.00

SUBJECT: Re: Disability work incentives

TO: Christopher C. Jennings ( CN=Christopher C. Jennings/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

CC: reed\_b ( reed\_b @ a1 @ cd @ lngtwy [ EOP ] ) (OPD)  
READ:UNKNOWN

CC: Diana Fortuna ( CN=Diana Fortuna/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TEXT:  
agreed

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 3-FEB-1997 10:54:28.00

SUBJECT: Re: Not urgent - ethics question

TO: Diane C. Regas ( CN=Diane C. Regas/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

kathy whalen is the right person to ask

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 3-FEB-1997 12:48:16.00

SUBJECT: Re: meeting tomorrow on Congressional Testimony on Welfare Reform

TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

that's what i figured. just wanted you to know.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 3-FEB-1997 09:55:45.00

SUBJECT: meeting tomorrow on Congressional Testimony on Welfare Reform

TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

fyi

----- Forwarded by Elena Kagan/OPD/EOP on 02/03/97 09:55 AM -----

Jill M. Pizzuto

02/03/97 09:44:29 AM

Record Type: Record

To: Elena Kagan/OPD/EOP, Diana Fortuna/OPD/EOP

cc: See the distribution list at the bottom of this message

Subject: meeting tomorrow on Congressional Testimony on Welfare Reform

there will be a meeting tomorrow w/ Ken, SSA (Judy Chesser), Labor (Geri Palast), HHS (Rich Tarplin) & AG (Yvette Jackson / Cheryl Macias) to discuss congressional testimony on Welfare Reform. Ken would like to invite DPC to attend as well.

Meeting is at 10:15 in RM 248. Diana -- please let me know if you and/or Elena can be there.

fyi -- each agency is allowed one other person to attend, w/ the exception of HHS who can bring two.

thanks.

Message Copied

To:

Kenneth S. Apfel/OMB/EOP

Barry White/OMB/EOP

Keith J. Fontenot/OMB/EOP

Cynthia M. Smith/OMB/EOP

Larry R. Matlack/OMB/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 3-FEB-1997 12:38:56.00

SUBJECT: Re: Kennedy Center

TO: Cathy R. Mays ( CN=Cathy R. Mays/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

seen it already. the next time i'm over, i'll look at the schedule.  
thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 3-FEB-1997 16:26:20.00

SUBJECT: Re: sotu speech

TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

fyi: it look to me as if we should change

----- Forwarded by Elena Kagan/OPD/EOP on 02/03/97 04:25  
PM -----

Stephen C. Warnath

02/03/97 04:01:21 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

CC:

Subject: Re: sotu speech

INS requests that this language about setting a goal of 100,000 not be used.

INS' target for this FY year is 93,000 deportations. I assume that someone at the White House has taken an average of about 10,000 deportations a month that this figure reflects and extended it beyond the fiscal year to the end of the calender year to get 100,000. INS is concerned for a variety of reasons -- including that they may be sued on some of the new provisions of law that effect deportation which could disrupt their deportation program this year and make it difficult to reach their target. Therefore, they advise that the President should not highlight this is the State of the Union. Let me know if you have any other questions.

Are there other immigration -- legal or illegal -- points made in the speech draft? I have not seen a copy.

thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 4-FEB-1997 12:27:20.00

SUBJECT: Latest SOTU language

TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

CC: Jonathan Prince ( CN=Jonathan Prince/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

see attached

----- Forwarded by Elena Kagan/OPD/EOP on 02/04/97 12:24  
PM -----

Dennis K. Burke

02/04/97 10:08:42 AM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Latest SOTU language

One suggested change:

the brady sentence now reads: "that extends the Brady Bill so  
violent teenage criminals will not be able to buy handguns."

Teenagers are already prohibited from buying handguns. The Youth  
Handgun Safety Act in the 1994 Crime Bill made it illegal for anyone under  
18 to have a gun (w/ certain hunting, parent, etc. exceptions).

What the provision in the Gang Bill would do is lead to a  
background check on juvenile records -- if the potential gun buyer  
committed a violent offense as a juvenile, it will now show up on the  
Brady check.

I think this sentence can be easily fixed by changing "not" to  
"never."



[illegible]

## **A CALL TO ACTION FOR AMERICAN EDUCATION IN THE 21ST CENTURY**

In his State of the Union address tonight, the President will make clear that his number one priority for the next four years is to ensure that Americans have the best education in the world. He will issue a 10-point call to action for American education in the 21st Century to enlist parents, teachers, students, business leaders, local and state officials in this effort:

- **Set rigorous national standards, with national tests in 4th grade reading and 8th grade math to make sure our children master the basics.** Every 4th grader should be able to read; every 8th grader should know basic math and algebra. To help make sure they do, the President is pledging the development of national tests in 4th grade reading and 8th grade math, and challenging every state and community to test every student in these critical areas by 1999. These tests will show how well students are doing compared to rigorous standards and to their peers around the country and the world. They will help parents know if their children are mastering critical basic skills early enough to succeed in school and in the workforce. Every state and school should also set guidelines for what students should know in all core subjects. We must end social promotion: Students should have to show what they've learned in order to move from grade school to middle school and from middle school to high school. We must make sure a high school diploma means something.
- **Make sure there's a talented and dedicated teacher in every classroom.** In addition to the talented and dedicated teachers already in the classroom, two million new teachers will be needed over the next ten years to replace retirees and accommodate rapidly growing student enrollments. We must take advantage of this opportunity to ensure teaching quality well into the 21st Century by challenging our most promising young people to consider teaching as a career, setting high standards for entering the teaching profession, and providing the highest quality preparation and training. We should reward good teachers, and quickly and fairly remove those few who don't measure up. The President's education budget will make it possible for 100,000 master teachers to achieve national certification from the National Board for Professional Teaching Standards over the next ten years.
- **Teach every student to read independently and well by the end of the 3rd grade.** Reading is the key to unlocking learning in all subjects. While America's 4th graders read on average as well as ever, more than 40 percent cannot read as well as they must to succeed later in school and in the workforce. Research shows that students unable to read well by the end of the 3rd grade are more likely to become school dropouts and truants,

and have fewer good options for jobs. The President's "America Reads" challenge is a nationwide effort to mobilize a citizen army of a million volunteer tutors to make sure every child can read independently by the end of the 3rd grade. Parents, teachers, college students, senior citizens, and others can all pitch in to give children extra help in reading during the afternoons, weekends, and summers. At the same time, schools must strengthen the teaching of reading in the school day, and the President's budget invests more in programs that address reading achievement in school.

— **Expand Head Start and challenge parents to get involved early in their children's learning.** A child's learning begins long before he or she goes to school. That's why the President's budget expands Head Start to cover one million children by 2002. Parents are their children's first teachers, and every home should be a place of learning. The President and First Lady will convene a Conference this spring to review recent scientific discoveries on early child learning and to show how parents, teachers, and policymakers can use this new knowledge to benefit young children. And in June, the Vice President and Mrs. Gore will host their sixth annual family conference, and focus on the importance of parents' involvement throughout a child's education.

— **Expand choice and accountability in public education.** The President has challenged every state to let parents choose the right public school for their children. Innovation, competition, and parental involvement will make our public schools better. We must do more to help teachers, parents, community groups, and other responsible organizations to start charter schools—innovative public schools that stay open only as long as they produce results and meet the highest standards. The President's budget doubles funding to help start charter schools so that there will be 3,000 charter schools at the dawn of the 21st Century, providing parents with more choices in public education.

— **Make sure our schools are safe, disciplined and drug-free, and instill American values.** Students cannot learn in schools that are not safe and orderly and do not promote positive values. We must find effective ways to give children the safe and disciplined conditions they need to learn, such as by promoting smaller schools, fair and rigorously enforced discipline codes, and teacher training to deal with violence. We should continue to support communities that introduce school uniforms and character education, impose curfews, enforce truancy laws, remove disruptive students from the classroom, and have zero tolerance for guns and drugs. We should also keep schools open later as safe havens from gangs and drugs, expanding educational opportunities for young people in the afternoons, weekends, and summers, and providing peace of mind for working parents.

— **Modernize school buildings and help support school construction.** Just as we face unprecedented and growing levels of student enrollment, a recent report by the General Accounting Office shows that a third of our nation's schools need major repair or outright replacement. To keep children from growing up in schools that are falling down, the Administration has proposed \$5 billion to help communities finance \$20 billion in needed school construction over the next four years.

— **Open the doors of college to all who work hard and make the grade, and make the**

**13th and 14th years of education as universal as high school.** To prepare ourselves for the 21st Century, we must open the doors of college to all Americans and make at least two years of college as universal as high school is today. The President's HOPE scholarship, a \$1,500 tax credit for college tuition, would be enough to pay for a typical community college tuition or provide a solid down payment for four-year colleges and universities. The President also is proposing a \$10,000 tax deduction for any tuition after high school, an expanded IRA to allow families to save tax-free for college, and the largest increase in Pell Grants for deserving students in 20 years.

- **Help adults improve their education and skills by transforming the tangle of federal training programs into a simple skill grant.** Learning must last a lifetime, and all our people must have the chance to learn new skills. Adults should take on the responsibility of getting the education and training they need, and employers should support their efforts to do so. The President's G.I. bill for workers would provide a simple skill grant that would enable eligible workers to get the education and training they need.

- **Connect every classroom and library to the Internet by the year 2000 and help all students become technologically literate.** Our schools must now prepare for a transition as dramatic as the move from an agrarian to an industrial economy 100 years ago. We must connect every classroom and library to the Internet by the year 2000, so that all children have access to the best sources of information in the world. The President is proposing to double the funding for America's Technology Literacy Challenge, catalyzing private-public sector partnerships to put the Information Age at our children's fingertips. CEOs of some of America's most innovative technology and communications firms have already responded to the President's challenge to work with schools to get computers into the classroom, link schools to the Internet, develop effective educational software, and help train our teachers to be technologically literate.

http://172.28.127.30:8082/ARMS/servlet/getEmailArchive?URL PATH=/nlcp-2/Arms404/opd/O... 4/14/2009

## **A CALL TO ACTION FOR AMERICAN EDUCATION IN THE 21ST CENTURY**

To prepare America for the 21st Century, we need strong, safe schools with clear standards of achievement and discipline, and talented and dedicated teachers in every classroom. In today's economy, our young people must master the basics and have greater knowledge and skills than ever before. All of us must get serious about raising standards and improving the quality of our schools. Every 8-year-old must be able to read, every 12-year-old must be able to log onto the Internet, every 18-year-old must be able to go to college, and all adults must be able to keep on learning.

Today, America has the strongest economy and the strongest democracy in the world. We will not have them 50 years from now unless we make American education, like America itself, the envy of the world. Together, we must commit ourselves to a bold plan of action.

- **Set rigorous national standards, with national tests in 4th grade reading and 8th grade math to make sure our children master the basics.** Every 4th grader should be able to read; every 8th grader should know basic math and algebra. To help make sure they do, the President is pledging the development of national tests in reading and math, and challenging every state and community to test every student in these critical areas by 1999. These tests will show how well students are doing compared to rigorous standards and to their peers around the country and the world. They will help parents know if their children are mastering critical basic skills early enough to succeed in school and in the workforce. Every state and school should also set guidelines for what students should know in all core subjects. We must end social promotion: Students should have to show what they've learned in order to move from grade school to middle school and from there to high school. We must make sure a high school diploma means something.
- **Make sure there's a talented and dedicated teacher in every classroom.** In addition to the talented and dedicated teachers already in the classroom, two million new teachers will be needed over the next ten years to replace retirees and accommodate rapidly growing student enrollments. We must take advantage of this opportunity to ensure teaching quality well into the 21st Century by challenging our most promising young people to consider teaching as a career, setting high standards for entering the teaching profession, and providing the highest quality preparation and training. We should reward good teachers, and quickly and fairly remove those few who don't measure up. The President's education budget will make it possible for 100,000 master teachers to achieve national certification from the National Board for Professional Teaching Standards over the next ten years, and expand opportunities for teachers to upgrade their skills through increases in the Eisenhower Program, the National Science Foundation's Teacher Enhancement Program, and America's Technology Literacy Challenge.
- **Teach every student to read independently and well by the end of the 3rd grade.**

Reading is the key to unlocking learning in all subjects. While America's 4th graders read on average as well as ever, more than 40 percent cannot read as well as they must to succeed later in school and in the workforce. Research shows that students unable to read well by the end of the 3rd grade are more likely to become school dropouts and truants, and have fewer good options for jobs. The President's "America Reads" challenge is a nationwide effort to mobilize a citizen army of a million volunteer tutors to make sure every child can read independently by the end of the 3rd grade. Parents, teachers, college students, senior citizens, and others can all pitch in to give children extra help in reading during the afternoons, weekends, and summers. At the same time, schools must strengthen the teaching of reading in the school day, and the President's budget invests more in programs that address reading achievement in school.

- **Expand Head Start and challenge parents to get involved early in their children's learning.** A child's learning begins long before he or she goes to school. That's why the President's budget expands Head Start to cover one million children by 2002. Parents are their children's first teachers, and every home should be a place of learning. The President will convene a Conference this spring to review recent scientific discoveries on early child learning and to show how parents, teachers, and policymakers can use this new knowledge to benefit young children.
- **Expand choice and accountability in public education.** The President has challenged every state to let parents choose the right public school for their children. Innovation, competition, and parental involvement will make our public schools better. We must do more to help teachers, parents, community groups, and other responsible organizations to start charter schools—innovative public schools that stay open only as long as they produce results and meet the highest standards. The President's budget doubles funding to help start charter schools so that there will be 3,000 charter schools at the dawn of the 21st Century, providing parents with more choices in public education.
- **Make sure our schools are safe, disciplined and drug-free, and instill American values.** Students cannot learn in schools that are not safe and orderly and do not promote positive values. We must find effective ways to give children the safe and disciplined conditions they need to learn, such as by promoting smaller schools, fair and rigorously enforced discipline codes, and teacher training to deal with violence. We should continue to support communities that introduce school uniforms and character education, impose curfews, enforce truancy laws, remove disruptive students from the classroom, and have zero tolerance for guns and drugs. We should also keep schools open later as safe havens from gangs and drugs, expanding educational opportunities for young people in the afternoons, weekends, and summers, and providing peace of mind for working parents.
- **Modernize school buildings and help support school construction.** Just as we face unprecedented and growing levels of student enrollment, a recent report by the General Accounting Office shows that a third of our nation's schools need major repair or outright replacement. To keep children from growing up in schools that are falling down, the Administration has proposed \$5 billion to help communities finance \$20 billion in needed

school construction over the next four years.

- **Open the doors of college to all who work hard and make the grade, and make the 13th and 14th years of education as universal as high school.** To prepare ourselves for the 21st Century, we must open the doors of college to all Americans and make at least two years of college as universal as high school is today. The President's HOPE scholarship, a \$1,500 tax credit for college tuition, would be enough to pay for a typical community college tuition or provide a solid down payment for four-year colleges and universities. The President also is proposing a \$10,000 tax deduction for any tuition after high school, and an expanded IRA to allow parents to save tax-free for college.
- **Help adults improve their education and skills by transforming the tangle of federal training programs into a simple skill grant.** Learning must last a lifetime, and all our people must have the chance to learn new skills. Adults should take on the responsibility of getting the education and training they need, and employers should support their efforts to do so. The President's G.I. bill for workers would provide a simple skill grant that would enable eligible workers to get the education and training they need.
- **Connect every classroom and library to the Internet by the year 2000 and help all students become technologically literate.** Our schools must now prepare for a transition as dramatic as the move from an agrarian to an industrial economy 100 years ago. We must connect every classroom and library to the Internet by the year 2000, so that all children have access to the best sources of information in the world. The President is proposing to double the funding for America's Technology Literacy Challenge, catalyzing private-public sector partnerships to put the information age at our children's fingertips. CEOs of some of America's most innovative technology and communications firms have already responded to the President's challenge to work with schools to get computers into the classroom, link schools to the Internet, develop effective educational software, and help train our teachers to be technologically literate.

Better education is everybody's responsibility. The American way of life depends on providing all our young people — rich or poor; from a city, suburb, or small town; citizen or recent immigrant — the challenging education they need to participate in our democracy and succeed in the economy of the 21st Century. The President's balanced budget makes an unprecedented commitment to education of \$51 billion next year alone, and his education plan for America's future charts a course toward sustaining and expanding the American dream. But it will take every American getting involved and working together to make sure that all our people have the best education in the world.



RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 4-FEB-1997 18:04:40.00

SUBJECT: Brain development conference

TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

note my new pen pal

----- Forwarded by Elena Kagan/OPD/EOP on 02/04/97 06:03 PM -----

Carol\_Rasco @ ed.gov

02/04/97 07:02:00 PM

Record Type: Record

To: Elena Kagan

cc:

Subject: Brain development conference

I visited with Rob Reiner and crew this afternoon at the National Education Goals Panel meeting. They are eager for the meeting tomorrow with Bruce; they have made a phenomenal impact on governors during the last two days and on the state legislators at the Panel meeting today. For those of us who have tried to work hard on early childhood development for years it is so exciting!

They are hopeful you will be in the meeting with them.

Happy State of the Union!

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

RFC-822-headers:

Received: from storm.eop.gov (storm.eop.gov)

by PMDF.EOP.GOV (PMDf V5.0-4 #6879) id <01IF0ZG6045S001UE3@PMDf.EOP.GOV> for kagan\_e@a1.eop.gov; Tue, 04 Feb 1997 18:01:15 -0400 (EDT)

Received: from oeri.ed.gov (oeri.ed.gov) by STORM.EOP.GOV (PMDf V5.0-7 #6879) id <01IF0ZG4180A007IO2@STORM.EOP.GOV> for kagan\_e@a1.eop.gov; Tue, 04 Feb 1997 18:01:13 -0700 (MST)

Received: from smtpgw1.ed.gov (smtpgw1.ed.gov [165.224.217.37]) by oeri.ed.gov (8.7.5/8.7.3) with SMTP id SAA26884 for <kagan\_e@a1.eop.gov>; Tue, 04 Feb 1997 18:02:46 -0500 (EST)

Received: from ccMail by smtpgw1.ed.gov (IMA Internet Exchange 1.04b) id 2f7bf910; Tue, 04 Feb 1997 18:00:33 -0500

Content-description: cc:Mail note part

===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 4-FEB-1997 19:11:15.00

SUBJECT: Re: tomorrow's Reiner meeting

TO: Nicole R. Rabner ( CN=Nicole R. Rabner/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

This all seems exactly right. THANKS.

[illegible]

## **A CALL TO ACTION FOR AMERICAN EDUCATION IN THE 21ST CENTURY**

In his State of the Union address tonight, the President will make clear that his number one priority for the next four years is to ensure that Americans have the best education in the world. He will issue a 10-point call to action for American education in the 21st Century to enlist parents, teachers, students, business leaders, local and state officials in this effort:

- **Set rigorous national standards, with national tests in 4th grade reading and 8th grade math to make sure our children master the basics.** Every 4th grader should be able to read; every 8th grader should know basic math and algebra. To help make sure they do, the President is pledging the development of national tests in 4th grade reading and 8th grade math, and challenging every state and community to test every student in these critical areas by 1999. These tests will show how well students are doing compared to rigorous standards and to their peers around the country and the world. They will help parents know if their children are mastering critical basic skills early enough to succeed in school and in the workforce. Every state and school should also set guidelines for what students should know in all core subjects. We must end social promotion: Students should have to show what they've learned in order to move from grade school to middle school and from middle school to high school. We must make sure a high school diploma means something.
- **Make sure there's a talented and dedicated teacher in every classroom.** In addition to the talented and dedicated teachers already in the classroom, two million new teachers will be needed over the next ten years to replace retirees and accommodate rapidly growing student enrollments. We must take advantage of this opportunity to ensure teaching quality well into the 21st Century by challenging our most promising young people to consider teaching as a career, setting high standards for entering the teaching profession, and providing the highest quality preparation and training. We should reward good teachers, and quickly and fairly remove those few who don't measure up. The President's education budget will make it possible for 100,000 master teachers to achieve national certification from the National Board for Professional Teaching Standards over the next ten years.
- **Teach every student to read independently and well by the end of the 3rd grade.** Reading is the key to unlocking learning in all subjects. While America's 4th graders read on average as well as ever, more than 40 percent cannot read as well as they must to succeed later in school and in the workforce. Research shows that students unable to read well by the end of the 3rd grade are more likely to become school dropouts and truants,

and have fewer good options for jobs. The President's "America Reads" challenge is a nationwide effort to mobilize a citizen army of a million volunteer tutors to make sure every child can read independently by the end of the 3rd grade. Parents, teachers, college students, senior citizens, and others can all pitch in to give children extra help in reading during the afternoons, weekends, and summers. At the same time, schools must strengthen the teaching of reading in the school day, and the President's budget invests more in programs that address reading achievement in school.

— **Expand Head Start and challenge parents to get involved early in their children's learning.** A child's learning begins long before he or she goes to school. That's why the President's budget expands Head Start to cover one million children by 2002. Parents are their children's first teachers, and every home should be a place of learning. The President and First Lady will convene a Conference this spring to review recent scientific discoveries on early child learning and to show how parents, teachers, and policymakers can use this new knowledge to benefit young children. And in June, the Vice President and Mrs. Gore will host their sixth annual family conference, and focus on the importance of parents' involvement throughout a child's education.

— **Expand choice and accountability in public education.** The President has challenged every state to let parents choose the right public school for their children. Innovation, competition, and parental involvement will make our public schools better. We must do more to help teachers, parents, community groups, and other responsible organizations to start charter schools—innovative public schools that stay open only as long as they produce results and meet the highest standards. The President's budget doubles funding to help start charter schools so that there will be 3,000 charter schools at the dawn of the 21st Century, providing parents with more choices in public education.

— **Make sure our schools are safe, disciplined and drug-free, and instill American values.** Students cannot learn in schools that are not safe and orderly and do not promote positive values. We must find effective ways to give children the safe and disciplined conditions they need to learn, such as by promoting smaller schools, fair and rigorously enforced discipline codes, and teacher training to deal with violence. We should continue to support communities that introduce school uniforms and character education, impose curfews, enforce truancy laws, remove disruptive students from the classroom, and have zero tolerance for guns and drugs. We should also keep schools open later as safe havens from gangs and drugs, expanding educational opportunities for young people in the afternoons, weekends, and summers, and providing peace of mind for working parents.

— **Modernize school buildings and help support school construction.** Just as we face unprecedented and growing levels of student enrollment, a recent report by the General Accounting Office shows that a third of our nation's schools need major repair or outright replacement. To keep children from growing up in schools that are falling down, the Administration has proposed \$5 billion to help communities finance \$20 billion in needed school construction over the next four years.

— **Open the doors of college to all who work hard and make the grade, and make the**

**13th and 14th years of education as universal as high school.** To prepare ourselves for the 21st Century, we must open the doors of college to all Americans and make at least two years of college as universal as high school is today. The President's HOPE scholarship, a \$1,500 tax credit for college tuition, would be enough to pay for a typical community college tuition or provide a solid down payment for four-year colleges and universities. The President also is proposing a \$10,000 tax deduction for any tuition after high school, an expanded IRA to allow families to save tax-free for college, and the largest increase in Pell Grants for deserving students in 20 years.

- **Help adults improve their education and skills by transforming the tangle of federal training programs into a simple skill grant.** Learning must last a lifetime, and all our people must have the chance to learn new skills. Adults should take on the responsibility of getting the education and training they need, and employers should support their efforts to do so. The President's G.I. bill for workers would provide a simple skill grant that would enable eligible workers to get the education and training they need.

- **Connect every classroom and library to the Internet by the year 2000 and help all students become technologically literate.** Our schools must now prepare for a transition as dramatic as the move from an agrarian to an industrial economy 100 years ago. We must connect every classroom and library to the Internet by the year 2000, so that all children have access to the best sources of information in the world. The President is proposing to double the funding for America's Technology Literacy Challenge, catalyzing private-public sector partnerships to put the Information Age at our children's fingertips. CEOs of some of America's most innovative technology and communications firms have already responded to the President's challenge to work with schools to get computers into the classroom, link schools to the Internet, develop effective educational software, and help train our teachers to be technologically literate.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 4-FEB-1997 14:46:10.00

SUBJECT: Re: adoption

TO: Nicole R. Rabner ( CN=Nicole R. Rabner/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

Sounds great. I'll chair -- and I'd love a ghostwriter.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 4-FEB-1997 14:27:11.00

SUBJECT: fyi

TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

I gave the President's two most recent welfare questions -- on caseworker discretion and county/local activity -- to Diana. I told her that if she could answer the question(s) in a paragraph or so, then we'd put the response(s) in this week's DPC report; if not, then we'd give the President a separate memo.



# Withdrawal/Redaction Marker

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                     | DATE       | RESTRICTION      |
|--------------------------|---|------------|------------------|
| 002. email               | Elena Kagan to Ron Klain re Friday Night (1 page) | 02/04/1997 | Personal Misfile |

### COLLECTION:

Clinton Presidential Records  
Automated Records Management System (Email)  
OPD ([From Elena Kagan])  
OA/Box Number: 250000

### FOLDER TITLE:

[01/27/1997-02/04/1997]

2009-1006-F

kc207

### RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]  
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]  
P3 Release would violate a Federal statute [(a)(3) of the PRA]  
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]  
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]  
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

b(1) National security classified information [(b)(1) of the FOIA]  
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]  
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]  
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]  
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]  
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]  
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]  
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 4-FEB-1997 13:35:43.00

SUBJECT: Re: New Hampshire welfare waiver

TO: Diana Fortuna ( CN=Diana Fortuna/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

great. thanks. i have a couple other things to talk with you about too.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 4-FEB-1997 18:04:07.00

SUBJECT: Re: Brain development conference

TO: Carol\_Rasco ( Carol\_Rasco @ ed.gov @ INET @ LNGTWY [ UNKNOWN ] )

READ:UNKNOWN

TEXT:

You have to give them a lot of credit; they've really moved the ball forward. I will be at the meeting: I believe I'm now the point person on this project, and I very much look forward to working with you on it. Thanks.